

NOTICE PUBLICATION/REGULATORY ACTION SUBMISSION

REGULAR

See instruction
reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2018-0612-05	REGULATORY ACTION NUMBER 2018-1014-07 S	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

NOV 30 2018

1:32 PM

AGENCY WITH RULEMAKING AUTHORITY
California Underground Facilities Safe Excavation Board

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Fees	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 4010
	AMEND
	REPEAL
TITLE(S) 19	

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

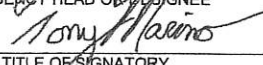
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON

Deborah Yang	TELEPHONE NUMBER (916) 568-2969	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) deborah.yang@fire.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE



DATE

11/29/2018

TYPED NAME AND TITLE OF SIGNATORY

Tony Marino, Executive Officer

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

NOV 30 2018

Office of Administrative Law

**State of California
Office of Administrative Law**

In re:
**California Underground Facilities Safe
Excavation Board**

Regulatory Action:

Title 19, California Code of Regulations

Adopt sections: 4010

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2018-1016-07

OAL Matter Type: Regular (S)

This action by the California Underground Facilities Safe Evacuation Board adopts a fee schedule and procedures for members of regional notification centers.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2019.

Date: November 30, 2018



**Kevin D. Hull
Senior Attorney**

**For: Debra M. Cornez
Director**

**Original: Tony Marino, Executive Officer
Copy: Diane Arend**

TEXT OF REGULATION (Final)

California Code of Regulations Title 19. Public Safety

Division 4. California Underground Facilities Safe Excavation Board

Chapter 1. General

Article 1. General

§ 4010. Fees.

- (a) (1) Each member of a regional notification center as defined in Government Code, section 4216, subdivision (q) who receives more than 200 locate request transmissions in the previous calendar year shall pay a fee to support the operational expenses of the California Underground Facilities Safe Excavation Board as provided in the following formula:

$$\text{Fee} = \frac{\text{member locate request transmissions}}{\text{statewide locate request transmissions}} \times \text{Board operational expenses}$$

- (2) In the formula above:

(A) "member locate request transmissions" represents the number of locate request transmissions the member of the regional notification center received in the previous calendar year;

(B) "statewide locate request transmissions" is the total number of locate request transmissions issued by the regional notification centers in the previous calendar year, not including those locate request transmissions issued to members who received less than 200 locate request transmissions in the previous calendar year; and

(C) "Board operational expenses" is the sum of the estimated operational expenses, including any loan repayment, of the California Underground Facilities Safe Excavation Board in the current calendar year, subject to the State Budget Act. The "Board operational expenses" is \$7 million for each calendar year 2019, 2020, and 2021, subject to the State Budget Act. The "Board operational expenses" is \$3.8 million for calendar year 2022 and each calendar year thereafter, subject to the State Budget Act.

- (3) The "member locate request transmissions," "statewide total locate request transmissions," and the "Board operational expenses" shall be reflected on the invoice to each member of a regional notification center.

- (b) (1) Each member of a regional notification center shall remit the fee under subdivision (a) to the regional notification center by the due date in the billing statement issued by the regional notification center.

- (2) At least semi-annually on April 1 and October 1, the regional notification centers shall submit to the California Underground Facilities Safe Excavation Board the

fees received by the regional notification centers as of the date of submittal to the California Underground Facilities Safe Excavation Board.

- (c) If a member fails to pay the fee by the due date in the billing statement as provided in subdivision (b), the Board shall issue an invoice to seek and obtain the fee directly from the member and charge the member a late fee of 5% of the amount of the fee, in addition to the fee due in the billing statement. The regional notification centers shall inform the Board of any failure to pay the fee and shall provide a copy of the member's billing statement.
- (d) For purposes of this section, "locate request transmission" means the notification provided by a regional notification center to an operator to locate and field mark in response to a new or renewed ticket, as identified in Government Code section 4216.2, subdivision (e), to a new ticket created to replace an expired ticket, as identified in Government Code section 4216.2, subdivision (i), or to a ticket requesting a remark, as identified in Government Code section 4216.3, subdivision (b).

NOTE: Authority cited: Section 4216.22, Government Code. Reference: Sections 4216, 4216.1, 4216.2, 4216.3, and 4216.16, Government Code.